

REMARKS

This Response is submitted in reply to the Office Action dated June 26, 2007. Claims 1, 22, and 24 have been amended and claims 41 to 43 have been added. No new matter has been added by these amendments or new claims. A Request for Continued Examination (RCE) is submitted with this Response. A Supplemental Information Disclosure Statement is submitted herewith. Please charge to deposit account No. 02-1818 to cover the RCE fee, Supplemental Information Disclosure Statement, the new claims fee, and any other fees associated with this Response.

The Office Action rejected Claims 1 to 37 and 39-40 under 35 U.S.C. 103(a) as being unpatentable over Vancura (U.S. Patent No. 6,033,307). Applicants respectfully disagree with and traverse this rejection for at least the following reasons. Additionally, certain of the claims have been amended for clarification.

The Office Action stated that Vancura discloses:

a game operable upon a wager (200 in Figs. 2 and 3);

a plurality of reels (50 and 55 in Figs. 1 and 5) including a plurality of symbols (80, 82, 84, 86 in Figs. 1 and 5) in said game, said symbols including at least one award symbol (value award symbols col. 6:6-10), at least one positive modifier symbol (positive modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col. 14:14-41 and Fig. 5).

Vancura discloses a primary game 10 and a bonus game 20. The primary game 10 includes reels 50 which generate a bonus symbol 82 represented by the symbol MM. A second, separate bonus game 20 includes reels 55 and is initiated after the symbol MM is generated on the reels 50 of the primary game 10. The second, separate bonus game 20 includes value symbols 86 (which the Office Action interpreted as at least one award symbol). Vancura discloses that wager 200 is placed by a player in primary game 10 in a conventional fashion (col. 5, lines 50-53). Thus, somewhat contrary to the Office Action, value symbols 86 of Vancura do not appear to be in the primary game 10 (i.e., the game operable upon a wager). Accordingly, Vancura does not appear to disclose a game operable upon a wager by a player and a plurality of reels including a plurality of symbols in the game, wherein the symbols include at least one award

symbol, at least one positive modifier symbol and at least one negative modifier symbol, as in independent claim 1.

The Office Action also stated that Vancura discloses:

said at least one processor programmed for a play of the game to (cols. 4:67-5;1): cause a display of a plurality of the symbols on the reels (Fig. 1); upon an occurrence of a triggering event (bonus qualifying event, cols. 5:63-6:3, 7:35-53), display an award associated with at least said award symbol (86 in Fig. 2, value award symbols col. 6:6-10) ; and modify the award by a positive modifier associated with any of said displayed positive modifier symbol on said reels (positive sum modifiers, col. 6:6-10; and multipliers, cols. 11:233-37) and a designated number of negative modifier associate with any of said displayed negative modifier symbol on said reels (col. 14:14-41). [sic]

As described above, Vancura discloses a second, separate bonus game 20 which includes value symbols 86. The value symbols 86 are shown on payline 65 and accumulated to collectively form an award (i.e., a number of credits) for that spin of the reels 55. Vancura discloses that the value symbols 86, which appear on payline 65 of the bonus game 20, employ symbols which act as multipliers (col. 13, line 65 to col. 14, line 12) and negative value symbols (col. 14, lines 14-41). However, in Vancura, once the award is formed from the value symbols 86, the award does not appear to be modified. For example, in Fig. 5 of Vancura, the value symbols 2, -1, and X3 are shown on payline 65. The value symbols accumulate to collectively form an award of 3 credits (col. 17, lines 35-37). That is, the value symbols 2, -1, and X3 modify one another to form the award. This award does not appear to be modified in Vancura. Accordingly, Vancura does not appear to disclose at least one processor programmed for one play of the game to modify the award by a designated number of positive modifiers associated with any of said positive modifier symbols displayed on said reels and a designated number of negative modifiers associated with any of said negative modifier symbols displayed on said reels, as in amended independent claim 1.

The Office Action stated that Vancura fails to teach:

the triggering event is based on at least the award symbol and the positive modifier symbol being displayed simultaneously on the reels; and

the award is modified by a designated number of positive modifiers and a designated number of negative modifiers.

The Office Action concludes that these elements would be obvious design changes in view of Vancura.

The triggering event of claim 1 is based on at least the award symbol and the positive modifier symbol being displayed simultaneously on the reels. An award is modified by a designated number of positive modifiers associated with any of the positive modifier symbols displayed on the reels. Moreover, each modification to the award is displayed to a player. By basing the triggering event on the award symbol and the positive modifier symbol, the gaming device of claim 1 ensures that the award will be modified positively each time the triggering event occurs. The modifications increase the player excitement for the game, and provides incentive for the player to play the game. Vancura appears to teach away from a triggering event based on an award symbol and a positive modifier symbol, as in independent claim 1, because Vancura provides the player with some minimum win for reaching bonus game 20 (col. 5, lines 44-49) and encourages null symbols which do not change the award (col. 11, lines 44-51). Thus, there would be no readily apparent reason why one skilled in the art would modify Vancura to include a triggering event based on an award symbol and a positive modifier symbol, as in amended independent claim 1. Also applicants do not understand why, without knowing the invention, modifying an award by a designated number of positive or negative modifiers would simply be a design choice.

The Office Action also stated that Vancura fails to teach:

[t]he probability associated with the relatively large positive modifier is less than the at least one of the probabilities associated with the plurality of relatively small positive modifiers.

[t]he probability associated with the relatively large negative modifier is less than the at least one of the probabilities associated with the plurality of relatively small negative modifiers.

[t]he average value of the modifiers applied to the award is greater than zero.

the average value of the symbols and the probability of selecting a particular symbol is a design choice.

The Office Action concludes that these elements would also be obvious design changes in view of Vancura.

Again, without knowledge of the invention, applicants do not understand why modifying an award or a probability of such award is simply a design choice, especially because the award and probabilities must be properly analyzed to maintain a proper payback percentage. That is, the average value of symbols and the probability of selecting a particular symbol for a particular game contribute to the structure of the game and define specific award parameters for the game.

Applicants have also amended certain of the claims to clarify the claimed invention.

Amended claim 1 includes, in combination with other elements, at least one processor programmed for a play of the game to: (a) cause a display of a plurality of the symbols on the reels; (b) upon an occurrence of a triggering event based on at least the award symbol and the positive modifier symbol being displayed simultaneously on the reels, display an award associated with the award symbol; (c) modify the award by a designated number of positive modifiers associated with any of the displayed positive modifier symbols on the reels, and cause a display of each modification to the displayed award from said negative modifier values; and (d) modify the award by a designated number of negative modifiers associated with any of the displayed negative modifier symbols on the reels, and cause a display of each modification to the award from said negative modifiers.

Vancura does not disclose these elements. Vancura does not disclose a gaming device that modifies an award by a designated number of modifiers associated with any symbols displayed on the reels, and causes a display of each modification to the award

from the modifiers. As described above, in Vancura, the award is formed from the value symbols 86 appearing on payline 65. In Fig. 5 of Vancura, the value symbols 2, -1, and X3 are shown on payline 65. The value symbols accumulate to collectively form an award of 3 credits (col. 17, lines 35-37), which is displayed and provided to a player. However, unlike amended independent claim 1, each modification of the award (i.e., 2-1 and 1x3) is not displayed to the player.

For at least these reasons, Applicants submit that amended claim 1 and its dependent claims are patentably distinguished over Vancura and in condition for allowance. Additionally, Applicants respectfully submit that amended independent claim 24 and its dependent claims are patentably distinguished over Vancura for similar reasons as set forth above with respect to amended independent claim 1, and in condition for allowance.

The Office Action rejected Claims 6, 8, 14, 22, 23, 25, 26, 28 and 29 under 35 U.S.C. 103(a) over Vancura.

Claims 22 and 23 each include, in combination with other elements, a processor programmed for each play of the game to cause a display of a plurality of the symbols on the reels, wherein the positive modifier symbol and the negative modifier symbol are able to be simultaneously displayed and activated, upon an occurrence of a triggering event, (i) cause a display of the award, (ii) modify the award by any positive modifier values associated with any of the displayed positive modifier symbols, (iii) cause a display of each modification to the displayed award from the positive modifier values, (iv) modify the award by any negative modifier values associated with any of the displayed negative modifier symbols, and (v) cause a display of each modification to the displayed award from the negative modifier values. Vancura does not teach, disclose or suggest this combination of elements.

For at least the reasons given above with respect to amended independent claim 1, Applicants respectfully submit that Claims 22 and 23 are patentably distinguished over Vancura and are in condition for allowance.

The Office Action rejected Claim 38 under 35 U.S.C. 103(a) over Vancura in view of Kelly (U.S. Patent No. 5,816,918).

Kelly does not remedy the deficiencies of Vancura noted above with respect to independent claim 24. Accordingly, the proposed combination of Vancura and Kelly does not disclose initiating a bonus game including a bonus award when at least the award symbol and the positive modifier symbol occur on the reels. Additionally the proposed combination of Vancura and Kelly does not disclose a method of operating a gaming device which includes (a) activating and displaying a plurality of reels including a plurality of symbols, the symbols including at least one award symbol, at least one positive modifier symbol and at least one negative modifier symbol, (b) initiating a bonus game including a bonus award when at least the award symbol and the positive modifier symbol are simultaneously displayed on the reels, (c) displaying the bonus award, (d) modifying the displayed bonus award with a designated number of negative modifiers associated with any of the negative modifier symbols displayed on the reels, (e) displaying each modification to the bonus award from said negative modifiers; (f) modifying the bonus award with a designated number of positive modifiers associated with any of the positive modifier symbols displayed on the reels; (g) displaying each modification to the bonus award from said positive modifiers; and (h) providing the modified bonus award to a player.

Applicants respectfully submit that Claim 38 is patentably distinguished over Vancura in view of Kelly and is in condition for allowance.

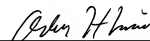
New claims 41-43 have been added for the Examiner's consideration. New claims 41 to 43 depend from one of the independent claims 1, 22, or 24. Applicants respectfully submit that new claims 41-43 are in condition for allowance for at least the reasons given above with respect to independent claims 1, 22, and 24.

As noted above, Applicants have filed a Request for Continued Examination with this Response. If the Examiner deems it necessary to issue another Office Action on the merits of claims 1 to 43, Applicants respectfully request the Examiner to provide an upcoming Office Action which will "... identify any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,
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